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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,754	11/26/2001	Jannic Aaltonen	367.39525X00	5347
22907	7590	09/05/2007	EXAMINER	
BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			GESESSE, TILAHUN	
ART UNIT		PAPER NUMBER		
2618				
MAIL DATE		DELIVERY MODE		
09/05/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/991,754	AALTONEN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Tilahun B. Gesesse	2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 June 2007.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) \_\_\_\_\_ is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-4, 6-13, 15-19, 21, 23-34, 39, 40 and 45-51 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_ . 5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/28/07 has been entered.

### ***Response to Arguments***

1. Applicant's arguments filed 6/28/07 have been fully considered but they are not persuasive.

On page 11, second paragraph of applicant's response , applicant argued that McKanne teaches broadcast/narrowcast regions by content operators who pre-program the system for content distribution , there is no teaching or suggestion in McKanne that content is selected based on user profiles of terminal within a determined area (page 11- page 12, line 1).

The examiner disagrees. McKanne teaches content is distributed based on the registration or profile at the particular service area of narrowcast or broadcast region (see column 18 lines 20-50). Further more, McKanne teaches narrowcast traffic news based on flow of traffic or population of users ( column 27 line –col. 28 line 60 and figures 9-10).

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-4,6-13,15-19,21,23-34,39-40,45-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over .McKenna (US pat. ) in view of Bodin et al (us 5,241,685).

Claims 1,45-46,49-50, McKenna teaches an apparatus (see figures 1-2 in particular item # 100 and 118) .

McKenna teaches a processor(118) operable to initiate delivery of content a through first wireless network(126 and 123) in response to a criterion being met by data derived from a second wireless network 141,142,143 of figure 1B)( (see abstract , column 18, line 65-column 22, lines 50 ,col. 24, line 5-col. 25, line 7, column 26, line 65- column 27,line 8 and figures 1-2).

McKenna teaches Memory (119 with program managers 113 and 114) storing computer readable instruction executed by the processor (see column 28 lines 40-60 and figures 9-10).

McKenna teaches determining a number of active terminals in an area based on data derived form the second wireless network, (see column 27 line 60 through column 28 line 60 column 19, lines 8-16, col. 20, line 64-col. 21, line 43).

McKenna teaches the active terminals meets criteria (col. 27, line 60 --col. 28 line

60)

McKenna teaches a cell 909 provides cellular communication service for subscribers who are located at or around entertainment complex 912 and a cell also are subject to varies to traffic and configures the narrowband coverage area (see column 24, lines 23-58).

McKenna teaches selection is made based on user profiles (see figure 17 , upon an active terminal enters a new service area registers by transmitting its user profile and records in the service area.

McKenna does not expressly teaches the threshold value of the population of the terminals .

However, Bodin teaches a cell in the area occupancy level is high or low than the threshold or critical value adjust the coverage area of a cell (see column 8, lines 33-53 and figure 4), in which the occupancy level (number of users in the cell) is high the decrease the coverage of the cell and if the number of user is lower then increase the area coverage of the cell based on the threshold of population of user in the cell.

One ordinary skill in the art would be motivated to set a threshold or critical value of load or occupancy level , in order to monitor the traffic and avoid interfering overlapping area coverage in the service area.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time of invention was made to modify McKenna system by setting a threshold or critical value for the traffic overload , as evidenced by Bodin , in order to manage traffic load and allocate resource based on number of users in the area such as suburban

larger territory with few number of user and hot spot or downtown of a city where number of user are greater, divide the cell in to sector and allocate a resource.

Claims 2-3,47-48, McKenna teaches an apparatus as disclosed in claim 1, Characterizing active terminal in to plurality of group based on the user profile (see column 19, lines 8-16, col. 20, line 64-col. 21, line 43, column 27 line 60-col. 28 line 60 and figure 17).

Claim 4, McKenna teaches an apparatus as disclosed in claim 3, wherein the the number of active terminals based on location associate with the area (see col. 27-line 60-column 28, line 60).

Claim 6 , McKenna teaches an apparatus as disclosed in claim 1, wherein the data derived from the second wireless network comprises a number of connected user terminals to the second wireless network ( see column 24, line 6-53) in which the empties cell drops from narrowband coverage area.

Claim 7, McKenna teaches an apparatus as disclosed in claim 1, wherein the first wireless network is a unidirectional digital broadband network and the second wireless network is a bi-directional communications network (see abstract).

Claim 8, McKenna teaches an apparatus as disclosed in claim 7, wherein: the unidirectional digital broadband network is a digital broadband network is a digital video broadcast network (see abstract).

Claim 9-13,15-17,39-40 McKenna teaches a system (see figures 1-2).

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McKenna teaches a controller (118) connected to first and second wireless networks, the controller connected to first and second wireless networks, (see abstract ,column 18, line 65-column 22, lines 50 ,col. 24, line 5-col. 25, line 7, column 26, line 65- column 27, line 8 and figures 1-2).

McKenna teaches determining a number of active terminals in an area based on data derived from the second wireless network, (see column 27 line 60 through column 28 line 60 column 19, lines 8-16, col. 20, line 64-col. 21, line 43).

McKenna teaches the active terminals meets criteria (col. 27, line 60 –col. 28 line 60)

McKenna teaches a cell 909 provides cellular communication service for subscribers who are located at or around entertainment complex 912 and a cell also are subject to varies to traffic and configures the narrowband coverage area (see column 24, lines 23-58).

McKenna teaches selection is made based on user profiles (see figure 17 , upon an active terminal enters a new service area registers by transmitting its user profile and records in the service area.

McKenna does not expressly teaches the threshold value.

However, Bodin teaches a cell in the area occupancy level is high or low than the threshold or critical value adjust the coverage area of a cell (see column 8, lines 33-53 and figure 4), in which the occupancy level (number of users in the cell) is high the decrease the coverage of the cell and if the number of user is lower then increase the area coverage of the cell based on the threshold of population of user in the cell.

One ordinary skill in the art would be motivated to set a threshold or critical value

of load or occupancy level , in order to monitor the traffic and avoid interfering overlapping area coverage in the service area.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time of invention was made to modify McKenna system by setting a threshold or critical value for the traffic overload , as evidenced by Bodin , in order to manage traffic load and allocate resource based on number of users in the area such as suburban larger territory with few number of user and hot spot or downtown of a city where number of user are greater, divide the cell in to sector and allocate a resource.

Claims 18-19,21,23-25, McKenna teaches a method (see figure 1-2) comprising McKenna teaches a controller (118) connected to first and second wireless networks, the controller connected to first and second wireless networks, the controller including a processor (18)operable to initiate delivery of content through the first wireless network in response to criterion being met by data delivered form the second wireless network, (see abstract ,column 18, line 65-column 22, lines 50 ,col. 24, line 5-col. 25, line 7, column 26, line 65- column 27,line 8 and figures 1-2, column 27, line 60-column 28, line 60).

McKenna does not expressly teaches the threshold value .

However, Bodin teaches a cell in the area occupancy level is high or low than the threshold or critical value adjust the coverage area of a cell (see column 8, lines 33-53 and figure 4), in which the occupancy level (number of users in the cell) is high the decrease the coverage of the cell and if the number of user is lower then increase the area coverage of the cell based on the threshold of population of user in the cell.

One ordinary skill in the art would be motivated to set a threshold or critical value of load or occupancy level , in order to monitor the traffic and avoid interfering overlapping area coverage in the service area.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time of invention was made to modify McKenna system by setting a threshold or critical value for the traffic overload , as evidenced by Bodin , in order to manage traffic load and allocate resource based on number of users in the area such as suburban larger territory with few number of user and hot spot or downtown of a city where number of user are greater, divide the cell in to sector and allocate a resource.

Claims 26-31, McKenna teaches a system (see figures 1-2) comprising:

a controller (118)connected to first and second wireless networks, the controller connected to first and second wireless networks, the controller including a processor (18)operable to initiate delivery of content through the first wireless network in response to criterion being met by data delivered form the second wireless network, (see abstract ,column 18, line 65-column 22, lines 50 ,col. 24, line 5-col. 25, line 7, column 26, line 65- column 27,line 8 and figures 1-2, column 27, line 60-col. 28 line 60).

McKenna does not expressly teaches the threshold value.

However, Bodin teaches a cell in the area occupancy level is high or low than the threshold or critical value adjust the coverage area of a cell (see column 8, lines 33-53 and figure 4), in which the occupancy level (number of users in the cell) is high the decrease the coverage of the cell and if the number of user is lower then increase the

area coverage of the cell based on the threshold of population of user in the cell.

One ordinary skill in the art would be motivated to set a threshold or critical value of load or occupancy level , in order to monitor the traffic and avoid interfering overlapping area coverage in the service area.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time of invention was made to modify McKenna system by setting a threshold or critical value for the traffic overload , as evidenced by Bodin , in order to manage traffic load and allocate resource based on number of users in the area such as suburban larger territory with few number of user and hot spot or downtown of a city where number of user are greater, divide the cell in to sector and allocate a resource.

Claims 32-34, McKenna teaches memory storing computer readable instruction that, when executed , cause the processor to perform , (see column 19, 62 through column 20, line 35) comprising:

McKenna teaches Storing a controller (118)connected to first and second wireless networks, the controller connected to first and second wireless networks, the controller including a processor (18)operable to initiate delivery of content through the first wireless network in response to criterion being met by data delivered form the second wireless network, (see abstract ,column 18, line 65-column 22, lines 50 ,col. 24, line 5-col. 25, line 7, column 26, line 65- column 27,line 8 and figures 1-2, column 27, line 60 through column 28 , line 60).

McKenna does not expressly teaches the threshold value .

However, Bodin teaches a cell in the area occupancy level is high or low than the threshold or critical value adjust the coverage area of a cell (see column 8, lines 33-53 and figure 4), in which the occupancy level (number of users in the cell) is high the decrease the coverage of the cell and if the number of user is lower then increase the area coverage of the cell based on the threshold of population of user in the cell.

One ordinary skill in the art would be motivated to set a threshold or critical value of load or occupancy level , in order to monitor the traffic and avoid interfering overlapping area coverage in the service area.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time of invention was made to modify McKenna system by setting a threshold or critical value for the traffic overload , as evidenced by Bodin , in order to manage traffic load and allocate resource based on number of users in the area such as suburban larger territory with few number of user and hot spot or downtown of a city where number of user are greater, divide the cell in to sector and allocate a resource.

Claim 51, McKenna teaches initiating delivery of the selected content through the first wireless network includes transmitting the selected content to at least one terminal in the area through the first wireless network without use of the second wireless network (see column 27, line 60-column 28 line 60)

### Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number .

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TG

August 27, 2007



TILAHUN GESESSE  
PRIMARY EXAMINER